

REMARKS

This application has been reviewed in light of the Office Action dated September 15, 2009. Claims 1-3, 5, 6, 9-12, 15 and 18 are presented for examination, of which Claims 1, 6, 9 and 15 are in independent form. All the claims have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,174,515 (Marshall et al.). In addition, Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Marshall* in view of U.S. Patent Application Publication 2002/0099569 (Thirsk), Claim 5, as being unpatentable over *Marshall* and *Thirsk* and further in view of U.S. Patent Application Publication 2003/0055317 (Taniguchi et al.), Claims 6, 15 and 18, as being unpatentable over *Marshall* in view of U.S. Patent Application Publication 2004/0062421 (Jajubowski et al.), and Claim 11, as being unpatentable over *Marshall* in view of *Taniguchi*.

In his previous Amendment, dated August 3, 2009, Applicant presented his reasons for believing that the claims, as they then were, were allowable over the references listed above. In the outstanding Office Action, the Examiner correctly pointed out that the claims did not in fact recite that the report mentioned in the claims is a diagnosis report, but only that it was an “image reading” report, and stated that the arguments presented in that Amendment were accordingly not persuasive. Applicant has therefore now amended his claims to make clear that the report is a diagnosis report, and therefore submits that the claims are allowable for the reasons presented in his previous Amendment.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the claims, and those are therefore believed to be allowable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCIS_WS 4408474v1